

FILED

JAN 12 2018

Clerk, U.S. District Court
District Of Montana
Helena

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

MONTANA CITY MEATS, INC., and
GARRY M. WHEELOCK,

Plaintiff,

vs.

GARY HAMEL, Individually and as
Bureau Chief of the Meat Inspection
Bureau of the Montana Department of
Livestock, MICHAEL HONEYCUTT,
Individually and as the Executive
Officer of the Montana Department of
Livestock, MONTANA
DEPARTMENT OF LIVESTOCK, a
state agency of Montana,

Defendants.

No. CV 16-02-H-SEH

ORDER

Pending before the Court are issues raised by the Court directed to: (1) whether Natalya Abdrasilova, CPA ("Abdrasilova"), may be called to testify at the initial federal law claim trial; and to (2) whether Michael Honeycutt ("Honeycutt")


may be called to testify at the initial federal law trial.

ORDERED:

1. The Court is prepared to consider acceptance of a stipulation from Counsel that if Abdrasilova were called as a witness at the initial federal law trial limited to consideration of issues relevant to Count I, violation of 42 U.S.C. § 1983 of the Second Amended Complaint, she would be permitted to testify to the opinion that a component of Plaintiffs' claim to protected property interests included a claim of harm to Montana City Meats, Inc.'s asserted "good will."

2. Honeycutt, as official capacity successor to the position of Executive Officer of the Montana Department of Livestock in replacement of Christian Mackay, will be allowed to testify as a fact witness at trial of issues relevant to Count I, violation of 42 U.S.C. § 1983 of the Second Amended Complaint.

DATED this 12th day of January, 2018.


SAM E. HADDON
United States District Judge